

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JOSEPH WIMBERLY,

Plaintiff,

v.

**JOHN E. POTTER, Postmaster
General,**

Defendant.

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Civil Action No. 5:08-cv-166 (HL)

ORDER

This employment discrimination case was filed by Plaintiff, Joseph Wimberly, on May 20, 2008. On June 30, 2009, the Court entered a scheduling and discovery order under which all discovery was to be completed by December 28, 2009. The Court recently received a letter from Plaintiff in which he states that he did not complete discovery by the deadline set by the Court.

No action has been taken in this case in over six months, and that was no more than the Court entering the scheduling and discovery order. Plaintiff apparently failed to conduct any discovery during the time period allotted by the Court. Plaintiff does not have an attorney and cannot afford to hire one. Plaintiff admittedly is unable to prosecute this case because of his physical and mental status. While the Court could extend the scheduling and discovery deadlines to give Plaintiff an opportunity to conduct discovery, it does not appear that an extension of six months or six years would make any difference.

Thus, Plaintiff's case is dismissed without prejudice. Plaintiff should be aware that a statute of limitations applies to his claim, after which his claim will be barred. The Court urges Plaintiff to discuss the statute of limitations issue with an attorney.

SO ORDERED, this the 22nd day of January, 2010.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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